

#### REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3, 5-7, and 43-51 are pending in the application, with Claims 1 and 43 being independent.

Claim 9 was previously canceled and Claims 4 and 8 are canceled herein without prejudice to or disclaimer of the subject matter recited therein.

Claims 48-51 are newly added.

Claims 1, 2, 5-7, and 43-47 are amended herein. Amendments have been made throughout the claims to correct grammatical errors and other informalities found therein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added. Favorable consideration is respectfully submitted.

#### § 101 REJECTIONS

Claims 3, 8, and 44 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection. Applicant respectfully notes that Claim 8 is canceled without prejudice to or disclaimer of the subject matter recited therein.

Further, Applicant respectfully submits that Claims 3 and 44 also recite statutory subject matter. Dependent Claims 3 and 44 depend from independent Claims 1 and 43, respectively. Moreover, because Claims 1 and 43 both recite "to protect media content

that is provided over a physical connector to an output device" (emphasis added), Claims 1 and 43 recite tangible components, such as hardware, and are not "implemented with only software" (Office Action, page 3). Accordingly, Claims 1 and 43 recite statutory subject matter. Consequently, due to their dependency on independent Claims 1 and 43, Claims 3 and 44 also recite statutory subject matter.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that Claims 3 and 44 recite statutory subject matter and further requests that the rejections be reconsidered and withdrawn.

#### **§ 103 REJECTIONS**

Claims 1-8 and 43-47 were rejected under 35 U.S.C. § 103(a) as being obvious over "Hardware Platform for Next-Generation Secure Computing Base" (hereinafter, "NGSCB") in view of Risan *et al.* (U.S. Patent Publication No. 2005/0060542; hereinafter, "Risan"). Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. Applicant notes that Claims 4 and 8 are hereby canceled without prejudice to or disclaimer of the subject matter recited therein.

However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends independent Claims 1 and 43 in the manner discussed during the interview. As stated above, Examiner Gelagay agreed that independent Claims 1 and 43, as amended, are allowable over at least the references of record. Nevertheless, Applicant hereby submits its remarks with regard to Claims 1-3, 5-7, and 43-51.

Independent Claim 1 recites, in part:

requesting, by the media playback application, status information from the downstream component using the secure communication channel; and

ascertaining, based at least in part on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical connector.

The Action states that NGSCB, at pages 8-9, teaches requesting, by the media playback application, status information from the downstream component using the secure communication channel, as presently recited (Office Action, page 5). However, Applicant respectfully notes that the Action acknowledges that NGSCB fails to explicitly teach a media playback application (Office Action, page 4). Accordingly, it logically flows that NGSCB also fails to teach the foregoing recitation of Claim 1, which recites a media playback application.

Further, Applicant respectfully submits that NGSCB neither teaches, nor suggests, “requesting...status information from the downstream component using the secure communication channel,” as presently recited in Claim 1. Rather, NGSCB teaches that video hardware and software work together to protect a path used to transfer video data from a nexus to a graphics adapter (page 8, Secure Video Hardware). Because NGSCB teaches that discrete graphics adapters connect to the system over an unsecured bus, an encrypted path is established to prevent other devices from “snooping secrets” (page 9, Secure Video Hardware). To achieve the encrypted-path solution, the nexus encrypts the video data before sending it to the graphics adapter, which can then decrypt the video data before displaying it in a secure window (page 9, Secure Video Hardware).

However, despite the foregoing teachings, NGSCB fails to teach requesting status information from the downstream component using the secure communication channel, as presently recited. Instead, NGSCB merely teaches encrypting a path for the transfer of video data. In fact, NGSCB fails to mention requesting any type of information altogether. Accordingly, NGSCB fails to teach the foregoing recitation.

Moreover, NGSCB also fails to teach ascertaining, based at least in part on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical connector, as presently recited in amended Claim 1. As NGSCB neither teaches nor suggests a status request, it logically flows that NGSCB cannot teach the foregoing recitation.

Further, even assuming, for the sake of argument, that either NGSCB or Risan teach a status request, to which Applicant does not acquiesce, Applicant respectfully submits that neither reference teaches ascertaining whether the one or more content protection technologies are supported by hardware for the particular physical connector, as presently recited. Although NGSCB teaches an encrypted path (page 9), the reference simply fails to teach the recitation set forth above.

Furthermore, Risan neither remedies the deficiencies in NGSCB noted above with respect to independent Claim 1, nor does the rejection make any arguments to that effect. For instance, Risan's teaching of a secured media application (paragraph [0085]) also does not teach the above recitation, in which NGSCB also lacks. As a result, for at least the foregoing reasons, independent Claim 1 is patentable over NGSCB and Risan, both singularly and in combination with one another.

For at least the reasons stated above with respect to independent Claim 1, NGSCB also fails to teach at least:

means for requesting, by the media playback application, status information from the downstream component using the secure communication channel; and

means for ascertaining, based at least in part on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical connector,

as presently recited in independent Claim 43. More particularly, NGSCB neither teaches nor suggests a media playback application, requesting status information from the downstream component using the secure communication channel, and means for ascertaining, based at least in part on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical component, as presently recited. Instead, NGSCB merely teaches creating an encrypted path and both encrypting and decrypting video data (page 9). Accordingly, for at least the reason set forth above, independent Claim 43 is patentable over NGSCB.

Furthermore, Risan neither remedies the deficiencies in NGSCB noted above with respect to independent Claim 43, nor does the rejection make any arguments to that effect. As a result, for at least the foregoing reasons, independent Claim 43 is patentable over NGSCB and Risan, both singularly and in combination with one another.

Moreover, dependent Claims 2, 3, 5-7 and 44-51 depend from independent Claims 1 and 43, respectively, which are each patentable over NGSCB in view of Risan for at least the reasons set forth above with regard to Claims 1 and 43. As a result, due to their dependency on independent Claims 1 and 43, and also for the additional features that

Claims 2, 3, 5-7 and 44-51 recite, dependent Claims 2, 3, 5-7 and 44-51 are also patentable over NGSCB and Risan, both singularly and in combination with one another.

In addition, for at least the foregoing reasons with respect to independent Claim 1, it logically flows that that both NGSCB and Risan also fail to teach playing either a limited version of the media content, or to not play the media content, if the one or more content protection technologies are not wholly supported by hardware for the particular physical connector, as presently recited in dependent Claims 48 and 49 respectively. Likewise, NGSCB and Risan also fail to teach means for playing either a limited version of media content, or to not play the media content at all, if the one or more content protection technologies are not wholly supported by hardware for the particular physical connector, as presently recited in dependent Claims 50 and 51, respectively.

Further, without any teaching or suggestion as to how or even why the descriptions in NGSCB may be modified, it is further submitted that one of ordinary skill would not have been motivated to modify the implementations described by NGSCB with Risan, nor would it have been obvious to try. Further, as NGSCB fails to teach several features recited in independent Claims 1 and 43, and Risan fails to remedy the deficiencies in NGSCB set forth above, Applicant respectfully submits that one of ordinary skill in the art would not have sought to modify NGSCB using such a reference. Likewise, as the references noted above lack several limitations of independent Claims 1 and 43, it would not have been obvious to try, at the time of the invention, to make the inventions as presently claimed.

Thus, NGSCB and Risan, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the recitations of independent Claims 1 and 43. Accordingly, Applicant respectfully submits that independent Claims 1 and 43 are patentable over the proposed combination of references. Furthermore, dependent Claims 2, 3, 5-7 and 44-51 are patentable by virtue of their dependency on independent Claims 1 and 43, as well as for the additional features that each claim recites. Applicant also respectfully requests individual consideration of each dependent claim.

Therefore, for at least the foregoing reasons, it is respectfully submitted that Claims 1-3, 5-7, and 43-51 are not obvious over NGSCB in view of Risan, and therefore, the present rejections under 35 U.S.C. § 103(a) should be reconsidered and withdrawn.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that Claims 1-3, 5-7 and 43-51 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

The arguments and amendments presented herein were necessitated by the most recent Office Action and the telephone interview dated January 22, 2009, and because Applicant earnestly believed that the claims were in condition for allowance at the time of filing the previous response. If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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